

Remarks

The Examiner has rejected claims 33-34, 38-42, 46-51 and 55 under 35 U.S.C. §103(a) as being unpatentable over Hashimoto, United States Patent No. 4,850,005 (hereinafter "Hashimoto"), in view of Weller et al., United States Patent No. 6,266,399 (hereinafter "Weller"). The Examiner has rejected claims 35-37, 43-45, 52-54 and 57-83 under 35 U.S.C. §103(a) as being unpatentable over Hashimoto, in view of Weller and further in view of Miner et al., United States Patent No. 6,021,181 (hereinafter "Miner"). The Examiner has rejected claim 56 under 35 U.S.C. §103(a) as being unpatentable over Hashimoto, in view of Weller and further in view of Bates et al., United States Patent No. 6,741,680 (hereinafter "Bates"). The Examiner has rejected claim 84 under 35 U.S.C. §103(a) as being unpatentable over Hashimoto, in view of Weller, in view of Miner and further in view of Bates.

Claims 33-84 were previously presented for examination. Claims 60, 69 and 78 have been cancelled by way of the present Response. Claims 33-59, 61-68, 70-77 and 79-84 are currently pending, of which claims 33, 41, 49, 57, 66 and 75 are in independent form. Favorable consideration of the present Response as currently constituted is respectfully requested.

Rejection Under 35 U.S.C. §103(a)

The Examiner has rejected claims 33-34, 38-42, 46-51 and 55 under 35 U.S.C. §103(a) as being unpatentable over Hashimoto, in view of Weller. The present invention, as defined by each of independent claims 33, 41 and 49 is directed to a telephone answering device that is connected to a telephone line that answers an incoming call received from a calling party on the telephone line and plays a general outgoing message to the calling party on the telephone line. Thereafter, in response to receipt of a code on the telephone line from the calling party, the telephone answering device plays to the calling party on the telephone line a message stored in a storage location. Subsequent to the playing of the message, the telephone answering device provides the calling party with two options; namely, (1) adding an incoming message from the calling party to the storage location and (2) replacing the message stored in the storage location with the incoming message from the calling party.

Hashimoto describes a telephone answering device that utilizes artificial intelligence to determine whether the calling party has a special outgoing message. More specifically, and with reference to figure 6, Hashimoto teaches that when the calling signal is detected (step 601), a command is supplied to start the playback of the general outgoing message for the general calling party (step 603). Next, if the calling party voices his name (step 605) and an affirmative recognition result is obtained via the artificial

intelligence (step 606), the recognizing code indicative of coincidence in voice pattern will be read from RAM (step 609) and an associated specific message is sent out (step 612). The end of the specific message is monitored (step 613) such that when "the specific message is over, the analogue switch used until that time and the loop-forming relay Y-1 are turned off in order to release the engagment (sic) of the telephone lines (steps 613 and 614), so that the program proceeds to the step 601 where a standby condition is assumed." (Hashimoto, Column 6, lines 12-17).

As an alternative, Hashimoto teaches that if the calling party is not recognized by the artificial intelligence (step 606), the program prompts the calling party to leave a message (step 615) and the calling party's message is recorded (step 617). When the calling party places his telephone on-hook, the Hashimoto device releases the telephone line (step 614) and returns to standby mode.

The Examiner concedes that Hashimoto fails to disclose receiving on the telephone line a code. Based upon the teaching of Hashimoto, it is also clear that Hashimoto (1) fails to disclose providing options to the calling party subsequent to the playing of the special outgoing message and (2) fails to disclose allowing the calling party to replace the special outgoing message stored in the storage location with an incoming message. Specifically, Hashimoto teaches releasing the telephone line (step 614) immediately after the special outgoing message is finished (step 613). As such, Hashimoto does not provide the calling party with any options after

the special outgoing message is played. Also, the only time Hashimoto allows an incoming message to be stored (step 617) is if calling party is unrecognized by the artificial intelligence (step 606), which is quite unlike the present invention wherein an incoming message can be recorded after the calling party has provided a code and the telephone answering device has played the special outgoing message. Further, and also unlike the present invention, there are no circumstances under which Hashimoto allows an incoming message to replace the special outgoing message.

In order to overcome the first stated deficiency of Hashimoto, the Examiner has relied on Weller as disclosing receiving on the telephone line a code. Weller, however, does not cure the other two stated deficiencies of Hashimoto. Weller describes a telephone answering device that, upon receipt of an incoming call, may use a variety of techniques to identify the calling party including voice recognition or a code received from the calling party. If an identification match is made and other criteria are met, the special outgoing message is played. If a message is to be recorded from the caller, the message may be recorded by answering machine/voice mail system 11 in a general incoming voice mail box or a separate voice mail box that is set up for particular outgoing messages. (See Weller, Column 4, lines 20-65). As such, while Weller allows the calling party to leave an incoming message following the playing of a special outgoing message, Weller (1) fails to disclose providing options to the calling party subsequent

to the playing of the special outgoing message and (2) fails to disclose allowing the calling party to replace the special outgoing message stored in the storage location with an incoming message.

Neither Hashimoto nor Weller, either alone or in combination, teach, suggest or disclose a telephone answering device that (1) provides options to the calling party subsequent to the playing of the special outgoing message or (2) allows the calling party to replace the special outgoing message stored in the storage location with an incoming message. As such, neither Hashimoto nor Weller, either alone or in combination, anticipate or make obvious the invention of claims 33, 41 and 49.

Accordingly, Applicant respectfully requests withdrawal of the outstanding §103(a) rejection and allowance of claims 33, 41 and 49. Claims 34 and 38-40 depend from base claim 33 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claims 34 and 38-40 are respectfully requested. Claims 42 and 46-48 depend from base claim 41 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claims 42 and 46-48 are respectfully requested. Claims 51 and 55 depend from base claim 49 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claims 51 and 55 are respectfully requested.

The Examiner has rejected claims 35-37, 43-45, 52-54 and 57-83 under 35 U.S.C. §103(a) as being unpatentable over Hashimoto, in

view of Weller and further in view of Miner. Claims 35-37 depend from base claim 33 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claims 35-37 are respectfully requested. Claims 43-45 depend from base claim 41 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claims 43-45 are respectfully requested. Claims 52-54 depend from base claim 49 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claims 52-54 are respectfully requested.

The present invention, as defined by each of independent claims 57, 66 and 75 is directed to a telephone answering device that is connected to a telephone line that answers an incoming call on the telephone line from a calling party and plays a general outgoing message to the calling party on the telephone line. Thereafter, responsive to receipt on the telephone line of a code from the calling party, the telephone answering device plays to the calling party on the telephone line a message thread stored in a storage location and allows the calling party to replace at least a portion of the message thread with the incoming message received on the telephone line.

As stated above, neither Hashimoto nor Weller teach, suggest or disclose replacing a stored message with the incoming message. Miner does not cure this deficiency. Miner teaches a telephone answering device wherein the calling party may move down through

the messages in a chain or thread by performing a "More" command. After listening to the messages or message thread, the calling party can generate an incoming message that is added to a general mail box or one or more individual mailboxes. In addition the calling party may link newer messages back to older messages for which they represent a reply thus expanding the message thread. (Miner, Column 13, line 30 - Column 14, line 63). While Miner allows the calling party to add a message to the message thread, Miner fails to disclose a telephone answering device wherein the calling party can replace a stored message with an incoming message. As such, neither Hashimoto, Weller nor Miner, either alone or in combination, anticipate or make obvious the invention of claims 57, 66 and 75.

Accordingly, Applicant respectfully requests withdrawal of the outstanding §103(a) rejection and allowance of claims 57, 66 and 75. Claims 58-65 depend from base claim 57 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claims 58-65 are respectfully requested. Claims 67-74 depend from base claim 66 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claims 67-74 are respectfully requested. Claims 76-83 depend from base claim 75 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claims 76-83 are respectfully requested.

The Examiner has rejected claim 56 under 35 U.S.C. §103(a) as being unpatentable over Hashimoto, in view of Weller and further in view of Bates. Claim 56 depends from base claim 49 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claim 56 are respectfully requested.

The Examiner has rejected claim 84 under 35 U.S.C. §103(a) as being unpatentable over Hashimoto, in view of Weller, in view of Miner and further in view of Bates. Claim 84 depends from base claim 75 and add further limitations. Accordingly, withdrawal of the outstanding §103(a) rejection and allowance of claim 84 are respectfully requested.

Fee Statement

The total number of independent claims has remained the same. The total number of claims has been reduced by three. Accordingly, applicant believes no fees are due for the filing of this Response. If any fees are due or overpayment have been made, however, please charge or credit our Deposit Account No. 03-1130.

Conclusion

In view of the forgoing, the Examiner is respectfully requested to allow claims 33-59, 61-68, 70-77 and 79-84, presented for consideration herein. Accordingly, a favorable action in the form of an early notice of allowance is respectfully requested.

The Examiner is requested to call the undersigned for any reason that would advance the instant application to issue.

Dated this 14th day of October, 2004.

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